

Message Text

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ORIGIN A-01

INFO OCT-01 PM-07 SCA-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25

NEA-11 RSC-01 SS-20 SY-10 ABF-01 PER-05 VO-03 /123 R

66616

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FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS

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INFORM CONSULS

FOR AMBASSADORS AND PRINCIPAL OFFICERS FROM THE DEPUTY
UNDER SECRETARY FOR MANAGEMENT

E.O. 11652: N/A

TAGS: OGEN

SUBJECT: NON-IMMIGRANT VISA ISSUANCE PROCESS

1. AS A RESULT OF THE VISIT OF A SURVEY TEAM TO SELECTED
POSTS LAST SUMMER AND RECOMMENDATIONS THEY DEVELOPED, I
HAVE APPROVED THE FOLLOWING POLICY AND WORKING GUIDELINES
CONCERNING THE NONIMMIGRANT VISA FUNCTION.

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2. BEGIN TEXT. POLICY STATEMENT AND WORKING GUIDELINES
ON THE NONIMMIGRANT VISA ISSUANCE PROCESS

A. IMPORTANCE

THE PROCESSING AND ISSUANCE OF NONIMMIGRANT VISAS IS A KEY STATUTORY RESPONSIBILITY OF THE FOREIGN SERVICE. THERE NEVER HAS BEEN A TIME WHEN THE DEMANDS WERE GREATER ON THE CONSULAR OFFICER THAN TODAY WITH RESPECT TO THE NONIMMIGRANT VISA. VISA FRAUD IS A CONSTANT CONCERN, ILLEGAL IMMIGRATION, TRAFFICKING IN DRUGS, AND TERRORISM ALL ADD INCREASING RESPONSIBILITY. AT THE SAME TIME WE ARE EMBARKING ON AN UNPRECEDENTEDLY LARGE EFFORT TO PROMOTE FOREIGN TOURIST TRAVEL TO THE UNITED STATES, PLACING A GREATER EMPHASIS ON GOOD PUBLIC RELATIONS. IT IS THROUGH THE NONIMMIGRANT VISA PROGRAM THAT A LARGE NUMBER OF VISITORS TO THE UNITED STATES ACQUIRE INITIAL CONTACT WITH AMERICANS AND DEVELOP THEIR FIRST IMPRESSION OF AMERICAN INSTITUTIONS. EFFECTIVE PERFORMANCE OF THE

NONIMMIGRANT VISA FUNCTION HELPS TO FACILITATE TOURISM, COMMERCIAL AND TRADE RELATIONS, CULTURAL CONTACTS, AND THE EXCHANGE OF IDEAS AND TECHNOLOGIES.

B. PURPOSE

THE FOLLOWING GUIDELINES ARE DESIGNED TO PROVIDE AN APPROACH TO THE PROCESS OF ISSUING NONIMMIGRANT VISAS WHICH MAY HELP ACHIEVE GREATER EFFECTIVENESS AND EFFICIENCY. IT IS OUR HOPE, TOO, THAT THEY WILL ASSIST TOWARD STRENGTHENED MORALE AMONG CONSULAR OFFICERS, FOSTER PROFESSIONALISM AND FOCUS THE ATTENTION OF POSTS ON THE SIGNIFICANCE AND COMPLEXITY OF THE NIV PROBLEM.

THESE GUIDELINES ARE NOT CONCEIVED TO BE COMPREHENSIVE. MANY PROCEDURES ARE ALREADY BEING FOLLOWED AT A NUMBER OF POSTS. EACH POST IS URGED TO REVIEW ITS CURRENT NIV OPERATION WITH A VIEW TO ADHERING AS CLOSELY AS PRACTICABLE TO THESE GUIDELINES AND TO DEVELOPING INDEPENDENT INITIATIVES TOWARD OTHER IMPROVEMENTS IN LOCAL OPERATIONS.

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C. OPERATIONS

1) A REVIEW OF OPERATIONS AT A NUMBER OF POSTS HAS SUGGESTED THAT A MORE EFFECTIVE USE OF MANPOWER MIGHT BE POSSIBLE. THE FOLLOWING SUGGESTIONS ARE BASED ON PRACTICES WHICH SOME POSTS HAVE FOUND TO BE EFFECTIVE:

IT IS OFTEN INEFFICIENT FOR A POST TO REMAIN OPEN FOR NONIMMIGRANT VISA APPLICATIONS FOR A FULL 40 HOURS PER WEEK. MANY POSTS HAVE FOUND THAT A REDUCTION OF THE TIME IN WHICH THEY ARE OPEN TO THE PUBLIC TO A MAXIMUM OF 20 HOURS A WEEK IS MORE PRODUCTIVE. THE REMAINING HOURS CAN THEN BE DEVOTED TO SCREENING AND PROCESSING OF APPLICA-

TIONS AND OTHER ESSENTIAL OPERATIONS. POSTS WHICH HAVE NOT ALREADY DONE SO ARE URGED TO CONSIDER THE DESIRABILITY OF LIMITING OPEN HOURS. IN SO LIMITING THESE HOURS, SOME POSTS HAVE FOUND CONTINUOUS OPEN HOURS MORE EFFICIENT THAN CLOSING AND OPENING MORE THAN ONCE IN THE COURSE OF A DAY. IN ADJUSTING POST HOURS, ADEQUATE NOTIFICATION OF CHANGES SHOULD, OF COURSE, BE GIVEN TO THE PUBLIC INCLUDING USE OF LOCAL MASS MEDIA.

IT WOULD BE APPRECIATED IF POSTS CHANGING THEIR HOURS IN ACCORDANCE WITH THIS SUGGESTION WILL CAREFULLY ASSESS THE EFFECTIVENESS OF THE CHANGE AND AFTER A REASONABLE TRIAL PERIOD REPORT ON THE RESULTS.

2) WHEREVER PRACTICABLE, INTERVIEWS WITH AMERICAN OFFICERS TO DETERMINE ELIGIBILITY SHOULD PRECEDE CLERICAL PROCESSING OF COMPLETED APPLICATIONS. THIS WILL STRENGTHEN THE PUBLIC RELATIONS ROLE OF THE CONSULAR OFFICER AND AFFORD AN OPPORTUNITY TO MEET THE PUBLIC AS WELL AS EXPEDITE FINAL DISPOSITION OF APPLICATIONS.

3) EVERY EFFORT SHOULD BE MADE TO MINIMIZE CONGESTION IN WAITING ROOMS AND TO LIMIT STAFF UTILIZED EXCLUSIVELY IN PROCESSING WALK-INS:

A) APPLICANTS SHOULD BE ENCOURAGED TO RECEIVE THEIR VISAED PASSPORTS BY MAIL THUS OBVIATING THE NEED FOR UNCLASSIFIED

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THE APPLICANT EITHER TO RETURN TO PICK UP HIS PASSPORT, OR, LESS DESIRABLY, TO WAIT UNTIL IT IS READY.

B) WHERE EXTENSIVE WAIVER OF PERSONAL APPEARANCE IS POSSIBLE, THE PUBLIC SHOULD BE ENCOURAGED TO APPLY FOR VISA'S BY MAIL OR THROUGH RELIABLE TRAVEL AGENCIES OR TRANSPORTATION COMPANIES. IF APPROPRIATE, THE MEDIA SHOULD BE REQUESTED AS A PUBLIC SERVICE TO PUBLICISE THE "VISA-BY-MAIL" PROGRAM.

C) ALSO WHERE EXTENSIVE WAIVER OF PERSONAL APPEARANCE IS POSSIBLE, CONVENIENT AND SECURE MEANS, APPROPRIATELY ADVERTISED, WHEREBY APPLICANTS CAN LEAVE THEIR PASSPORTS AND APPLICATIONS FOR PROCESSING TOGETHER WITH A SELF-ADDRESSED ENVELOPE SHOULD BE PROVIDED AT THE CONSULATE.

4) TELEPHONE INQUIRIES ON CONSULAR MATTERS SHOULD BE CHanneled, TO THE EXTENT POSSIBLE, TOWARDS A LIMITED NUMBER OF STAFF MEMBERS, THEREBY PERMITTING THE MAJORITY OF THE STAFF TO WORK UNINTERRUPTEDLY. POSTS SHOULD ALSO EXAMINE THE FEASIBILITY OF UTILIZING TAPE RECORDINGS TO INFORM THE PUBLIC OF "OPEN" HOURS AND TO RESPOND TO THE MOST FREQUENTLY ASKED QUESTIONS.

5) POSTS ARE ENCOURAGED TO ISSUE VISAS FOR THE MAXIMUM LENGTH AND ENTRIES PERMITTED BY RECIPROCITY AND ESTABLISHED DEPARTMENT POLICY.

6) POSTS ARE ENCOURAGED TO SEPARATE APPLICATIONS AND APPLICANTS INTO DISTINCT CATEGORIES (VISITORS, THIRD COUNTRY NATIONALS, STUDENTS, TRANSITS, ETC.) FOR PROCESSING PARTICULARLY IF THE POST HANDLES A LARGE VOLUME OF APPLICANTS AND IF ONE OR MORE CATEGORY REQUIRES GREATER ATTENTION THAN OTHERS. THIS WOULD ALSO PROVIDE MAXIMUM USAGE OF PRE-SET TODD PROTECTOGRAPH VISA PLATES FOR DIFFERENT CATEGORIES.

IN IMPLEMENTING THESE GUIDELINES, POSTS SHOULD BEAR IN MIND THAT PRIMARY EMPHASIS IN PROCESSING APPLICATIONS MUST BE PLACED ON THE POST'S CAPACITY TO MEET OVER-ALL APPLICANT DEMANDS. EXCEPTIONAL CASES WILL ARISE AND WILL UNCLASSIFIED

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REQUIRE SPECIAL ATTENTION. OBVIOUSLY, POST PROCEDURES AND PERSONNEL SHOULD NOT BE GEARED TO THE EXCEPTION BUT SHOULD BE ORIENTED TO PROVIDING SERVICES FOR THE MAJORITY OF APPLICANTS.

D. WORKLOADS AND STAFFING

1) THE GOAL IS TO PROCESS NIV'S AS RAPIDLY AS POSSIBLE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAW AND REGULATIONS AND WITH MINIMUM INCONVENIENCE TO THE APPLICANT. NEVERTHELESS, REQUIREMENTS OF LAW AND SHEER NUMBERS OF APPLICANTS OFTEN CAUSE SOME BACKLOG OF CASES. CASES CARRIED OVER FROM ONE DAY TO ANOTHER DO NOT CONSTITUTE A BACKLOG BUT CASES CARRIED OVER MORE THAN A WEEK DO AND SUCH A BACKLOG SHOULD NOT BE PERMITTED TO DEVELOP. APPLICANTS SHOULD BE INFORMED OF THE SPECIFIC DATE -- OR PROCESSING TIME IN THE CASE OF MAIL -- ON WHICH THEIR PASSPORTS WILL BE RETURNED. SINCE PROCESSING TIME MAY VARY FROM MONTH TO MONTH OR EVEN WEEK TO WEEK DEPENDING ON EXISTING WORKLOADS, THE CHIEF OF SECTION SHOULD REVIEW THE OPERATION AT APPROPRIATE INTERVALS TO ASSURE THAT TARGET DATES ARE AS SHORT AS POSSIBLE CONSISTENT WITH EFFECTIVE PROCESSING.

2) CONSULAR COMPLEMENTS ARE ESTABLISHED TO ACCOMMODATE NORMAL WORKLOADS. PEAK PERIOD REQUIREMENTS SHOULD BE MET, IN THE FIRST INSTANCE, THROUGH RECOURSE TO THE MANPOWER OF OTHER SECTIONS THAT CAN BE MADE AVAILABLE. CHIEFS OF CONSULAR SECTIONS SHOULD KEEP THE PRINCIPAL OFFICER OR DCM AND THE ADMINISTRATIVE OFFICER ADVISED IN A TIMELY MANNER OF THE ANTICIPATED WORKLOAD INCREASE TO PERMIT TIMELY DEPLOYMENT OF PERSONNEL.

3) AT THOSE POSTS WHERE LOCAL SALARIES (IN DOLLAR EQUIVALENTS) HAVE RISEN TO SUCH A LEVEL THAT THE EMPLOYMENT OF RESIDENT AMERICANS BECOMES COST-EFFECTIVE, POSTS SHOULD CONSIDER HIRING QUALIFIED DEPENDENT RESIDENT AMERICANS IN LIEU OF LOCAL PERSONNEL TO PERFORM FUNCTIONS NORMALLY ASSIGNED TO LOCAL PERSONNEL. THIS APPLIES TO BOTH TEMPORARY PEAK SEASON AND REGULAR EMPLOYMENT NEEDS. FIRST PRIORITY SHOULD BE GIVEN TO SPOUSES OF FOREIGN SERVICE
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PERSONNEL, FOLLOWED BY SPOUSES OF OTHER UNITED STATES GOVERNMENT EMPLOYEES AND OTHER DEPENDENTS OF U.S. GOVERNMENT EMPLOYEES.

IN THE CASE OF TEMPORARY EMPLOYMENT, THE TEMPORARY POSITION CEILINGS DO NOT DISTINGUISH BETWEEN AMERICANS AND LOCALS; PRIOR CLEARANCE FROM THE GEOGRAPHIC BUREAUS TO SUBSTITUTE AN AMERICAN FOR A LOCAL IS THEREFORE NOT NECESSARY. REQUESTS FOR NECESSARY SHIFTS IN PERMANENT POSITION CEILINGS FOR AMERICANS TO FILL PERMANENT LOCAL POSITIONS SHOULD BE SUBMITTED TO THE GEOGRAPHIC BUREAUS WITH APPROPRIATE COST DATA. "COST-EFFECTIVENESS" WILL IN THIS CASE BE DETERMINED BY THE DEPARTMENT (M/FRM) UPON RECEIPT OF THE GEOGRAPHIC BUREAU'S APPROVAL OF THE REQUEST.

POSTS SHOULD BEAR IN MIND THAT ALL PROSPECTIVE AMERICAN EMPLOYEES, TEMPORARY AS WELL AS PERMANENT, SHOULD RECEIVE SECURITY CLEARANCES IN ACCORDANCE WITH 3 FAM 161.4B BEFORE THEY MAY BE APPOINTED.

E. POST RESPONSIBILITIES

1) IN THOSE COUNTRIES WHERE THERE ARE CONSTITUENT POSTS, THE EMBASSY IS RESPONSIBLE FOR THE MAINTENANCE OF COMPATIBLE NONIMMIGRANT VISA ISSUANCE PROCEDURES AT THE CONSTITUENT POSTS. THIS INCLUDES THE ESTABLISHMENT OF CONSISTENT PROCEDURES AND THE RATIONALIZATION OF PERSONNEL RESOURCES, BOTH AMERICAN AND LOCAL. EMBASSIES ARE ENCOURAGED TO EXAMINE CONSTITUENT POST WORKLOADS AND TO SHIFT RESOURCES OR WORKLOADS WHERE REQUIRED.

2) IN ANY OPERATION THAT INVOLVES THE PUBLIC, IT IS ALWAYS HIGHLY DESIRABLE FOR THE U.S. GOVERNMENT TO PROVIDE AN ENVIRONMENT THAT DOES IT CREDIT. IT IS NOT ALWAYS POSSIBLE TO PROVIDE THE OPTIMUM. HOWEVER, SPECIAL ATTENTION SHOULD BE PAID TO ENLARGEMENT AND ATTRACTIVENESS OF WORK SPACE AND PUBLIC AREAS AND TO ENHANCEMENT OF OPERATIONAL EFFICIENCY INCLUDING ADEQUATE PRIVACY FOR COUNTER INTERVIEWS CONDUCTED BY AMERICAN OFFICERS. THE USE OF OFFICE MACHINES AND OTHER LABOR-SAVING MECHANICAL AIDES SHOULD BE EXPLORED. THE DEPARTMENT INTENDS TO PROVIDE POSTS WITH

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TECHNICAL ASSISTANCE IN THESE AREAS, BUT IN THE INTERIM WISHES TO ENCOURAGE LOCAL REVIEW AND EXAMINATION OF OTHER POSSIBILITIES FOR CONSULAR PROGRAM IMPROVEMENT.

F. EVALUATION

WHERE RESOURCES IN TERMS OF MANPOWER, FUNDS AND EQUIPMENT ARE DETERMINED INADEQUATE TO MEET DEMANDS AFTER FULL IMPLEMENTATION OF THESE GUIDELINES, POSTS ARE REQUESTED TO FORWARD AN EVALUATION TELEGRAPHICALLY BY APRIL 30. END TEXT.

3. IN IMPLEMENTING THE FOR GOING GUIDELINES, IT SHOULD BE BORNE IN MIND THAT AN ENVIRONMENT SHOULD EXIST AND OPERATIONS BE SUCH IN THE NONIMMIGRANT VISA PROCESSING THAT CONSULAR OFFICERS MAY TAKE PRIDE IN THE QUALITY OF THEIR WORK, AND RECOGNIZE THE VALUE THE DEPARTMENT PLACES ON IT. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 27 JUL 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 01 FEB 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE021246
Document Source: ADS
Document Unique ID: 00
Drafter: PM:TSTERN:SCA:HJONES:M:CALLEN:ALK
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740268/abbrzcct.tel
Line Count: 295
Locator: TEXT ON-LINE
Office: ORIGIN A
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: kelleyw0
Review Comment: n/a
Review Content Flags:
Review Date: 26 FEB 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 FEB 2002 by elbezefj>; APPROVED <25-Nov-2002 by kelleyw0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NON-IMMIGRANT VISA ISSUANCE PROCESS
TAGS: OGEN
To: ALL DIPLOMATIC AND CONSULAR POSTS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005